1. S.B.Civil Misc. Appeal No.485/2003
Ratan Lal vs. Bhanwar Lal and another.

2. S.B.Civil Misc. Appeal No.486/2003
Ratan Lal vs. Bhanwar Lal and another.

Date : 17.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. JP Joshi, for the appellant.
Mr. R Mehta, for the respondents.

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At the request of learned counsel for the parties, these appeals are finally heard and disposed of by this common judgment.

By the impugned orders, the trial court dismissed the injunction applications of the appellant/plaintiff. Injunction was refused by the trial court as back as on 20.2.2003. No interim order has been passed by this Court and the appeals have not yet been admitted.

According to learned counsel for the appellant, the appellant is in possession of the suit property and, therefore, the appellant was entitled to relief of injunction to protect his possession.

I considered the submissions of learned counsel for the

appellant and perused the facts of the case.

It appears that the trial court has considered the facts in detail and thereafter reached to the conclusion that the plaintiff has failed to make out any prima-facie case in his favour. More than three years have already passed from the rejection of the injunction application and no interim order has been sought by the appellant from this Court in these appeals since last three years. In view of the above, the urgency in the suit for passing the interim order or any need for passing any interim order to protect the rights of the parties appears to be having no factual foundation. There is no allegation that during this period, any overt act was committed by any of the parties. Therefore, it would be appropriate to direct the court below to decide the suit expeditiously.

Accordingly, the present appeals, having no force, are hereby dismissed without commenting on the merits of the case. The trial court is directed to decide the suit expeditiously preferably within a period of one year from the date of receipt of the copy of this order.

A copy of this order be sent to the trial court forthwith.

(PRAKASH TATIA), J.

S.Phophaliya